

**Notice of Allowability**

Application No.

09/752,898

Examiner

Hai V. Nguyen

Applicant(s)

HUFFMAN ET AL.

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 14 July 2004.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☒ The drawings filed on 29 December 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **Reasons For Allowance**

1. The following is an examiner's statement of reasons for allowance:

The primary reason for allowance of the claims is the inclusion of *"measuring the network latency from each of said network stations to said network equipment by pinging said network equipment from said network stations, determining the minimum round-trip propagation time between each of said network stations and said network equipment, and setting the network latency between each of said network stations and said network equipment to the corresponding minimum round-trip propagation time determined; for each of said network endpoints arranging the network latency from the network endpoint to each of said network stations in turn, in a particular order, as vector elements in an endpoint vector; arranging the network latency from said network equipment to each of said network stations in turn, in said particular order, as vector elements in a network equipment vector; determining a distance between the network equipment vector and each of the endpoint vectors; and identifying the physical location of the network equipment as proximate to said known physical location of the network endpoint corresponding to the endpoint vector having said distance to the network equipment vector not greater than the distance from any other of the endpoint vectors to the target equipment vector"* in claim 1 and *"setting the network latency for each combination of said network stations and said network equipments associated with vetted geolocations to the corresponding minimum round-trip propagation time determined for each of said combination of said network stations and said network equipments associated with vetted geolocations; for each of said network equipments*

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*associated with vetted geolocations arranging the network latency from each of said network equipments associated with vetted geolocations to each of said network stations in turn, in a particular order, as vector elements in a vetted equipment vector; arranging the network latency from said network equipment to each of said network stations in turn, in said particular order, as vector elements in a network equipment vector; determining a distance between the network equipment vector and each of the vetted equipment vectors; and determining if the physical location of the network equipment is proximate to one of said network equipments associated with vetted geolocations" in claim 2.* Anderson et al. U.S patent # 6,684,250 B2, does not have these limitations.

The Examiner's interpretation of the claim language is based upon Applicant's the enabling portions of the specification, (pages 5-6, 12-13) and Applicant's arguments on remarks received on 14 July 2004 (pages 3-12). Therefore, Applicant's instant claims are considered to be allowable.

2. **Claims 1-11** are allowed.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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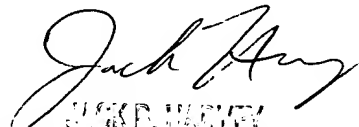
### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 571-272-3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 571-272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hai V. Nguyen  
Examiner  
Art Unit 2142



JACK HARVEY  
SUPERVISOR, ART UNIT 2142